

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

O R D E R

At Wilmington this 2d day of December, 2005, the court having determined that the Container Royalty Fund (the "Fund") is an indispensable party, because plaintiff is asking for benefits distributed by the Fund; and plaintiff having failed to join the Fund, as ordered by the court in its August 17, 2005 and November 18, 2005 orders;

IT IS ORDERED that the above captioned case shall be dismissed on **January 31, 2006**, if plaintiff has not filed an amended complaint naming the Fund as a defendant, and the Fund has not been served with said amended complaint.

Sue L. Robeson
United States District Judge